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**DECISION MEMO**  
**Sing Lee Bridge #2 Replacement**  
**USDA Forest Service, Northern Region**  
**Nez Perce-Clearwater National Forests**  
**Red River Ranger District**  
**Idaho County, Idaho**

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## **I. Introduction**

I have decided to approve replacing the existing bridge on Forest Road 440A (mile 0.5) in the Nez-Perce-Clearwater National Forests, Idaho County, Idaho. The project is located in Township 29 North, Range 7 East, Section 8, Boise Meridian. (See attached map).

## **II. Purpose and Need**

The existing bridge on Road 440A has rot in the stringers and extremely rotten log abutments with several portions completely rotted out. The bridge at the end of its design life and needs to be replaced with a new bridge for public safety and to prevent impairment of aquatic resources.

### **Decision**

I have decided to approve the Sing Lee Bridge #2 Replacement Project with the following terms and conditions:

A contractor will remove the existing timber bridge crossing West Fork Newsome Creek and construct a new timber or steel stringer bridge with a timber deck. Activities include, but are not limited to: excavation of existing structure, constructing the new structure, placement of riprap, installing new abutment walls, embankment and excavation of roadway approaches, and placement of new aggregate surfacing. Road 440A will require some minor reconstruction (approximately 100 feet) surrounding the bridge site to build up and correctly align the approaches to the new bridge. Road 440A will be closed temporarily during bridge removal and construction, and signs and/or barricades placed on both sides of the bridge at a distance to warn the public of the road closure.

Heavy equipment used for the project includes an excavator, crane, backhoe, roller compactor, road grader, and dump trucks. Most of the ground disturbance would be associated with the removal of the old bridge and excavating the roadbed to the grading limits of the new bridge.

All required permits such as an Army Corps of Engineers 404 permit will be obtained prior to initiating project work.

### ***Design Criteria and Mitigation Measures***

BMPs for Water Quality and Noxious Weed Management will be implemented during all phases of the project. National Core BMPs and Terms and Conditions and Design Criteria in the Stream Crossing Programmatic will also be followed. These criteria are not all-inclusive, as Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended):

1. All road equipment shall be cleaned and have a weed free inspection before entering the project site.
2. The contractor will be required to submit and implement a Spill Prevention Control and Countermeasure Plan prior to initiating work.
3. Mechanical support will follow BMPs for fuel storage and fueling to minimize the risk of a fuels spill into live water. The contractor will have fuel spill containment supplies onsite in the event of a fuel spill.
4. Sediment barriers will be installed to provide erosion control.
5. Rock used for resurfacing shall be free of noxious weed seed.
6. Rock will be placed on the road surfaces and along ditches as needed to protect fish habitat.

**Project Implementation:** The project will be implemented and completed, depending on funding availability, in the summer/fall of 2018. The work will occur during the instream work window in compliance with the *Programmatic Biological Opinion for Habitat Restoration Projects in Idaho*. The project is expected take two weeks to complete, depending on weather, etc.

### **III. Rationale for Decision and Reasons for Categorically Excluding the Decision**

#### **A. Category of Exclusion and Rationale for Using the Category**

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(18): *Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, including the Forest Plan, and (5) my review of the Biological Assessments (BA), Biological Evaluations (BE), specialists' reports, and project record.

#### **B. Finding of the Absence of Adverse Significant Effects to Extraordinary Circumstances**

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states, "*The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.*"

**1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species.**

The Interdisciplinary Team (IDT) Botanist determined the proposed actions will have “no effect” on species listed as federally threatened, endangered or proposed to be listed. There are no documented occurrences of R1 Sensitive plant species in the project area; however, Payson’s milkvetch and Idaho Barren strawberry are known from the general vicinity of the bridge. These species requires disturbance and exposed soil to maintain its presence in transitional habitat, and by creating ground disturbance, the proposed project would have a potential beneficial impact.

The IDT Fish Biologist determined the proposed actions are “not likely to adversely affect” steelhead, chinook and bull trout, federally threatened species. All three species occur in West Fork Newsome Creek; however, the actions will not affect their habitats or population abundance and viability. The project will have a beneficial effect on the species over the long term. A “no effect” determination was made for Fall chinook and sockeye salmon. The Forest consulted with the US Fish and Wildlife Service and National Marine Fisheries Service, using the USFS, Region 1 “*Stream Crossing Programmatic*”. Project timing, design criteria, and best management practices will limit any effects to the species.

Westslope cutthroat trout and interior redband trout occur in West Fork Newsome Creek, but the project will not affect the species population abundance or viability. The project will have a beneficial effect on the species over the long term. A “no impact” determination was made for spring Chinook salmon, Coho salmon, Pacific lamprey, brook trout, and Western pearlshell mussel.

The IDT Wildlife Biologist determined the proposed action will have “No Effect” to Canada lynx. The project does not fall within a Lynx Analysis Unit and there is no habitat for this species near the project area. The biologist determined the proposed actions would result in “no jeopardy” to North American wolverine as there is no habitat for this species near the project area.

A “may adversely impact individuals or habitat” determination was made for flammulated owl, fisher, fringed, long-eared and long-legged myotis, gray wolf, Coeur d’Alene salamander and Western (boreal) toad. Although suitable habitat is adjacent to or within ¼ mile project, the project will not alter habitat for these R1 Sensitive Species. Any effects from disturbance would be short term.

Based on the above assessment, no extraordinary circumstances were identified for these resources. For the complete analyses, see the Biological Assessments and Evaluations and specialists’ reports in the project record.

**2. Floodplains, wetlands or municipal watersheds.**

No designated municipal watersheds exist in the project area, thus there would be no effects to municipal watersheds. The proposed activities would not modify or occupy floodplains to an extent greater than already exists. The restoration of hydrologic processes would provide positive effects on floodplains and wetlands in the project area. No direct or indirect effects that will cause a cumulatively significant effect to floodplains, wetlands, and municipal watersheds are anticipated.

The proposed project is consistent with all applicable State and Federal water quality laws because design criteria and best management practices have been included to protect water resources. The

proposed activities are consistent with soil and water standards in the Nez Perce National Forest Plan, including the PACFISH amendment.

Based on this analysis, no extraordinary circumstances were identified to water quality of streams within the area; downstream waters; or floodplains, wetlands, and municipal watersheds; thereby complying with EO 11988, EO 11990, and FSH 1909.15 Chapter 31.2.2.

**3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.**

The project is not located in any congressionally designated area and therefore, no extraordinary circumstances were identified to these resources.

**4. Inventoried Roadless areas or potential wilderness areas.**

The project is not located in any inventoried or potential wilderness area and therefore, no extraordinary circumstances were identified to this resource.

**5. Research Natural Areas.**

The project area is not located in any research natural areas and therefore, no extraordinary circumstances were identified to this resource.

**6. American Indians and Alaska native religious or cultural sites.**

An appropriate inventory has been conducted for the project and cultural resources are known to be located within the area of potential effects. The Forest Cultural Resource Specialist has made a preliminary determination that the project will have *no adverse effect* to these properties because:

- The cultural resources are not eligible for the National Register of Historic Places.

Concurrence from the Idaho SHPO on the determination was received on February 12, 2018.

**7. Archaeological sites or historical properties or areas**

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

**IV. Interested and Affected Agencies, organizations, and Persons Contacted**

On March 27, 2017, letters providing information and seeking public comment were mailed to individuals, organizations, state and local agencies, and the Nez Perce Tribe. Project information was made available at <http://www.fs.usda.gov/nezperceclearwater/landmanagement/projects>. A legal notice appeared in the *Lewiston Tribune* on March 27, 2017, inviting comments for 30 days from publication. Three individuals/organizations commented during the public comment period, and their comments are addressed in Appendix A. The letters are found in the project record.

**V. Findings Required by Other Laws**

Based on my review of the actions associated with this project, I find that the Sing Lee Bridge #2 Project is consistent with applicable Federal laws and regulations.

**National Forest Management Act and Nez Perce National Forest Plan:** The actions are consistent with the Nez Perce National Forest Plan (USDA Forest Service 1987, as amended), as required by the

National Forest Management Act of 1976. In addition, design features and mitigation measures ensure compliance with the act.

**PACFISH/INFISH Riparian Habitat Conservation Areas (RHCAs):** All activities associated with the project comply with direction regarding PACFISH and RHCAs.

**Endangered Species Act:** A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

**Clean Air Act:** This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ). No prescribed burning or other activity with the potential to significantly affect air quality is proposed.

**Clean Water Act and State Water Quality Laws:** The Interdisciplinary Team Hydrologist has determined this project complies with the Clean Water Act, and state and federal water quality laws because it will have no notable effects to the water quality of area or downstream waters.

**Migratory Bird Treaty Act:** This project complies with the Migratory Bird Treaty Act since it will result in no substantial loss of migratory bird habitat, nor will there be any measurable impact(s) on Neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Director's Order #131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for "take." The project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 MOU between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

**National Historic Preservation Act:** An appropriate inventory has been conducted for the project and cultural resources are known to be located within the area of potential effects. Based on the project description a "*No Adverse Effect*" has been made for this project per stipulation V(A) of the North Idaho Cultural Resource Programmatic Agreement. Therefore, this project meets the agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

**American Indian Treaty Rights:** The Nez Perce Tribe reviewed the project and determined the proposed action will not affect Nez Perce Tribe Treaty rights or Nez Perce Tribal members' abilities to exercise those rights.

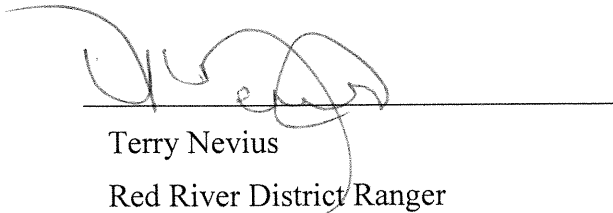
**Other Laws or Requirements:** The actions associated with this project are consistent with all other Federal, State or local laws or requirements for the protection of the environment and cultural resources.

*Sing Lee Bridge #2 Replacement Project Decision Memo*

**VI. Contact Person**

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater NFs Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; 208-935-4260 or FAX 208-935-4275.

**VII. Signature of Deciding Officer**



Terry Nevius

Red River District Ranger



Date

cc: Chris Wolfing

Enclosure (1): Map

Map for the Sing Lee Bridge #2 Replacement Project

